

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-06/08-290  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Health Access Eligibility Unit, increasing the amount of their child's Dr. Dynasaur premium pursuant to legislative action. The facts are not in dispute.

## FINDINGS OF FACT

1. The petitioner resides with her spouse and minor child. Both petitioner and her spouse are employed. Their child receives Dr. Dynasaur from the Department.

2. The 2008 Vermont Legislature enacted H. 891 which increased the amounts of health care premiums including the premiums for the Dr. Dynasaur program.

3. On or about July 1, 2008, the Department sent notice to petitioner that their monthly Dr. Dynasaur premium would be increased from \$40 to \$60, payable by July 15, 2008 for August coverage.

4. The parties agree that there has been no change in the petitioner's household income of \$4,003.75 per month

since their last application on March 20, 2008. The Department applied an employment deduction of \$90 for each adult leaving countable income of \$3,823.75. Petitioner's income is at 259 percent of the Federal Poverty Level (FPL) for a three person household.

5. Petitioner was unaware of the Legislature's action until notice from the Department. Petitioner is upset at the increase.

ORDER

The Department's decision is affirmed.

REASONS

The Dr. Dynasaur program provides Medicaid for children under the age of eighteen years whose family income exceeds the levels of Reach Up Financial Assistance but falls below 300 percent of the FPL. Families whose income is less than 185 percent of the FPL pay no premium. All other families pay a premium. Households whose incomes are between 225 percent and 300 percent of the FPL pay \$60 per month. M302.26. The income maximum for a three person household in the 225 percent to 300 percent range is \$4,413. P-2420B

The \$60 premium is the result of legislative action by the 2008 Legislature; they have the authority to periodically

change the premium amounts for Dr. Dynasaur and other health care programs offered by the Department.

The Human Services Board has the authority to determine whether the Department is correctly applying the regulations in a particular case. There is no question that the Department applied the regulations correctly to the petitioner.<sup>1</sup> The Department's action is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>1</sup>The issues of funding and setting of premiums are legislative actions that are best addressed in the Legislature.